



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

**HEARING MINUTES:**

**BOARD OF PROFESSIONAL LAND SURVEYORS  
RULE TO SHOW CAUSE HEARINGS**

**DATE AND TIME:**

**Thursday, December 7, 2009 at 8:30 a.m.**

**PLACE:**

861 Silver Lake Boulevard, Dover, Delaware  
**Conference Room A**, second floor of the Cannon Building

**APPROVED:**

June 17, 2010

**MEMBERS PRESENT**

Stephen Sellers, Chairman, Professional Member  
Michael Szymanski, Vice-Chairman, Professional Member  
Laurence McBride, Professional Member  
Joseph McDonough, Public Member  
Mary Chvostal, Public Member  
Frank Szczuka, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Kay Warren, Deputy Director, Division of Professional Regulation  
David Mangler, Executive Director, Division of Professional Regulation  
Frederick Schranck, Deputy Attorney General  
Debbie Heinsch, Administrative Specialist II  
Renee' Holt, Administrative Specialist II

**ABSENT/RECUSED MEMBERS**

James Bielicki, Professional Member

**OTHERS PRESENT**

**CALL TO ORDER**

Mr. Sellers called the meeting to order at 8:44 a.m.

**RULE TO SHOW CAUSE HEARINGS**

Mr. Sellers turned the meeting over to Mr. Schranck to conduct the hearings.

**HEARING – Douglas Williams**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 8:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Douglas Williams

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT:** Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 8:45 a.m.

The court reporter took verbatim testimony. Mr. Schranck began the hearing. The Board was introduced for the record. Mr. Schranck entered Board Exhibit #1 consisting of Mr. Williams's notice of attendance, audit notice, Mr. Williams's response, a copy of Mr. Williams's driver's license, and Virginia Business License. Mr. Williams made opening statements. Mr. Schranck stated based on information provided that Mr. Williams believed he was exempt from the PDH requirement for Delaware due to the fact that he was a Maryland resident. Mr. Williams confirmed this statement to be true as of three months prior to the hearing. Mr. Williams gave testimony and provided additional documentation to support meeting the PDH requirement, including a letter and syllabus for Wor-Wic Community College in Maryland where he teaches a land surveying class. Mr. Williams testified he taught the class twice during the 2007-2009 renewal period. Mr. Williams presented certificates of completion from the Maryland Society of Surveyors that were previously approved by the Board. The certificates totaled 20 PDHs and the teaching was accepted for 8 PDHs. The documents were entered as Respondent's Exhibit #1. The Board questioned Mr. Williams. Mr. Williams confirmed he did acquire the 2 PDHs required for Ethics and Professionalism. The Board reviewed Mr. William's Exhibits.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. McBride to go back on the record at 9:03 a.m. Mr. Sellers reported that based on the testimony and information provided by the licensee, Mr.

Williams meets the requirements for license renewal. The Board advised Mr. Williams to apply to the Board for credit for any teaching activities in the future and encouraged Mr. Williams to read the rules and regulations regarding PDH requirements. The Board clearly stated living in another state did not exempt a licensee from the PDH requirement.

**TIME ADJOURNED:** 9:05 a.m.

Mr. Szczuka questioned how the Board could proceed without approved minutes of the prior meeting. Mr. Schranck advised the Board that they had the authority to proceed with the scheduled hearings.

#### **HEARING – Aleksander Grkovic**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 9:00 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Aleksander Grkovic

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT:** Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 9:16 a.m.

The court reporter took verbatim testimony. Mr. Schranck began the hearing. The Board was introduced for the record. Mr. Schranck stated the purpose of the hearing. Mr. Grkovic was sworn in by the court reporter. Mr. Grkovic gave testimony stating he did not take the required ethics and professionalism course as it was his first renewal cycle. Mr. Grkovic testified he did complete an ethics and professionalism course in November 2009.

The Board went off the record for deliberations and then went back on the record at 9:27 a.m. Mr. Szymanski questioned Mr. Grkovic. Mr. Grkovic testified the online ethics course was interactive with active interface with an instructor and taken July 2009.

The Board went off the record for deliberations.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. Szczuka that Mr. Grkovic was found in violation of the Boards Rules and Regulations Section 10.2, and that the Board issue a letter of reprimand, a fine of \$250.00, and accepted the ethics course taken in November 2009 to meet the 2007-2009 renewal requirement for 2 PDHs in Ethics and Professionalism. Mr. Szymanski stated in his motion that the course could not be counted for the requirement in the 2009-2011 licensure period. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Ms. Chvostal to adjourn the hearing at 9:41 a.m.

### **HEARING – Paul Moody**

The Delaware Board of Professional Land Surveyors held a hearing on December 7, 2009 at 9:15 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Paul Moody

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 9:42 a.m.

The court reporter took verbatim testimony. Mr. Schranck explained the purpose of the hearing. Mr. Schranck confirmed Mr. Moody was aware of his right to representation and Mr. Moody stated he was

aware and was present without representation. Mr. Schranck entered documents as Board's Exhibit #1. Mr. Moody was sworn in by the court reporter. Mr. Moody gave testimony. Ms. Heinsch reviewed the September/October 2007 minutes and confirmed there was no indication that carry-over credits were allowable.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. McBride made a motion, seconded by Mr. Szymanski to issue a letter of reprimand, and a fine of \$250.00 to Mr. Moody. In addition, the course for ethics taken in October 2009 would be accepted to meet the 2007-2009 renewal requirements but may not be used to meet the requirements for the 2009-2011 renewal period. Mr. Szymanski amended the motion to include that Mr. Moody violated Section 10.2 of the Rules and Regulations. Mr. Moody is required to submit proof of completion of the ethics requirement for both the 2007-2009 and 2009-2011 renewal periods. Ms. Chvostal seconded the amended motion. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szczuka made a motion, seconded by Mr. Szymanski to adjourn the hearing at 10:13 a.m.

### **HEARING – James Chandler**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 9:30 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** James Chandler

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 10:13 a.m.

The court reporter took verbatim testimony. Mr. Chandler was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing and the documents sent regarding the hearing. Mr. Chandler confirmed he was aware of his right to representation and was present without representation. Mr. Chandler gave testimony. Mr. Chandler stated he retired in May 2008. Mr. Chandler also testified that his previous assistant renewed his license online on April 29, 2009 without his knowledge. Mr. Chandler submitted Respondent's Exhibit #1, a letter from his previous assistant attesting to renewing his license without Mr. Chandler's knowledge. Mr. McDonough questioned Mr. Chandler. Mr. Szczuka questioned the renewal of Mr. Chandler's license without his knowledge. Ms. Chvostal questioned Mr. Chandler on his intent to renew. Mr. Chandler testified. Ms. Chvostal questioned if the Division required passwords to renew. Ms. Heinsch verified the Division requires both a registration code and password to renew online. Mr. Chandler testified he did not know how the assistant obtained his password. Ms. Heinsch verified Mr. Chandler's license was renewed online in 2007. Mr. Chandler further testified he did not authorize the assistant to renew his license online in 2007. Mr. Szczuka questioned Mr. Chandler. Mr. Chandler responded.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion to issue a letter of reprimand, a \$250.00 fine and require Mr. Chandler complete a 2 hour course in ethics as he is in violation of Rule 10.2. The Board reviewed Rule 10.12 and verified Mr. Chandler did not meet the requirements of retired status. Mr. Szymanski withdrew his motion. Mr. Szymanski made a motion, seconded by Mr. Szczuka that Mr. Chandler was in violation of Rule 10.1, be issued a letter of reprimand, a fine of \$250.00, and be required to complete 13 PDHs prior to July 1, 2010 in addition to the 12 PDHs required for the 2009-2011 renewal with 2 PDHs in ethics. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. McBride made a motion, seconded by Ms. Chvostal to adjourn the hearing at 11:03 a.m.

#### **HEARING – James Conlow**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 9:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** James Conlow

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT:** Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 11:07 a.m.

The court reporter took verbatim testimony. Mr. Schranck reviewed the purpose of the hearing. Mr. Conlow confirmed he was aware of his right to representation and was present without representation. Mr. Conlow was sworn in by the court reporter. Mr. Schranck submitted the audit notice and hearing notification as Board Exhibit #1. Mr. Conlow testified that he completed an ethics course in November 2009. Mr. Sellers questioned Mr. Conlow. Mr. Conlow gave further testimony. Mr. McBride made a motion, seconded by Mr. Szymanski to go off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. Szczuka to issue a letter of reprimand, a \$250.00 fine, and find Mr. Conlow in violation of Section 10.2. In addition Mr. Conlow would be required to provide proof of completion of 2 PDHs in ethics for 2007-2009 renewal and an additional 2 PDHs for the 2009-2011 renewal. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Mr. McBride to adjourn the hearing at 11:13 a.m.

#### **HEARING – Robert Stout**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 10:00 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Robert Stout

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 11:13 a.m.

The court reporter took verbatim testimony. Mr. Stout was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing. Mr. Stout confirmed he was aware of his right to representation and was present without representation. Mr. Stout gave testimony. The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. Szczuka to find Mr. Stout in violation of Section 10.2 of the Rules and Regulations, issue a letter or reprimand, a \$250.00 fine, and require Mr. Stout to complete 2 PDHs in ethics for the 2007-2009 renewal and 2009-2011 renewal periods. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Mr. McBride to adjourn the hearing at 11:19 a.m.

#### **HEARING – Landon Woodward**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 10:15 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Landon Woodward

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.



**TIME STARTED:** 11:20 a.m.

The court reporter took verbatim testimony. Mr. Woodward was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing. Mr. Woodward confirmed he was aware of his right to representation and was present without representation. Mr. Woodward gave testimony. Mr. Szymanski questioned Mr. Woodward. Mr. Woodward responded. Mr. Sellers advised Mr. Woodward that the Board must review and approve programs submitted for PDH. Mr. Sellers further stated there was no documentation supporting Mr. Woodward's claim to have completed a course in ethics. Mr. Woodward confirmed he completed a course in ethics in November and did not intentionally break the rules and regulations.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Ms. Chvostal that Mr. Woodward violated Section 10.2, and that the Board issue a letter of reprimand, a \$250.00 fine, and require Mr. Woodward to provide proof of completion of 2 PDHs in ethics for the 2007-2009 renewal and 2009-2011 renewal periods with his 2011 renewal. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. McBride made a motion, seconded by Mr. Szczuka to adjourn the hearing at 11:38 a.m.

#### **HEARING – Bernard Nolan**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 10:30 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Bernard Nolan

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 11:47 a.m.

The court reporter took verbatim testimony. Mr. Nolan was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing. Mr. Schranck entered the audit notice, Mr. Nolan's response, the hearing notice and correspondence from Mr. Nolan as Board's Exhibit #1. Mr. Nolan confirmed he was aware of his right to representation and was present without representation. Mr. Nolan gave testimony. Mr. Szymanski confirmed the ethics course was approved for 2 PDHs. Mr. Nolan gave further testimony.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Ms. Chvostal that upon review of documents and testimony, Mr. Nolan was in compliance with the Rules and Regulations for continuing education. The motion was approved by a majority of the Board with Mr. Szczuka opposed.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Mr. McBride to adjourn the hearing at 12:04 p.m.

#### **HEARING – Richard Moralle**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 10:45 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Richard Moralle

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 12:05 p.m.

The court reporter took verbatim testimony. Mr. Moralle was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing and entered the audit notice, Mr. Moralle's response, the hearing notice, and correspondence from Mr. Moralle as Board's Exhibit #1. Mr. Moralle confirmed he was aware of his right to be represented by counsel and was present without representation. Mr. Moralle submitted Respondent's Exhibit #1 which was documents from the NJSME CME Seminar held on May 13, 2009 which support Mr. Moralle's claim of meeting the ethics requirement for license renewal. Mr. Szymanski questioned Mr. Moralle. Mr. Moralle responded.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. McBride made a motion, seconded by Ms. Chvostal to accept the documentation presented which supported Mr. Moralle's original audit response as meeting the ethics requirement for renewal. The motion carried with an affirmative vote of a majority of the Board with Mr. Szczuka opposed, and Mr. Szymanski abstaining.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Ms. Chvostal to adjourn the hearing at 12:34 p.m.

#### **HEARING – Howard Doran**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 11:00 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Howard Doran (not present)

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 12:34 p.m.

The court reporter took verbatim testimony. Mr. Schranck reviewed the purpose of the hearing and advised the Board that Mr. Doran responded to the hearing notice with a written request to terminate his State of Delaware license, stating he no longer practiced in Delaware.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. McBride made a motion, seconded by Mr. Szczuka to accept Mr. Doran's request to terminate the license and send a letter to Mr. Doran thanking him for his long career. The motion was unanimously approved.

**TIME ADJOURNED:** 12:36 p.m.

#### **HEARING – Charles Karat**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 11:15 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Charles Karat

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 12:36 p.m.

The court reporter took verbatim testimony. Mr. Karat was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing and entered the audit notice, Mr. Karat's audit response, hearing notice, and Mr. Karat's correspondence as Board's Exhibit # 1. Mr. Karat confirmed he was aware of his right to representation and was present without representation. Mr. Karat testified that in the initial response to the audit he did not send the required certificates but had provided them in November 2009.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. McBride that after further review of the documentation, Mr. Karat was in compliance with the rules and regulations for the licensure renewal. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Mr. McBride to adjourn the hearing at 12:44 p.m. The motion was unanimously approved.

### **HEARING – Walter Noyes**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 11:30 a.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Walter Noyes

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 12:45 p.m.

The court reporter took verbatim testimony. Mr. Noyes was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing and entered the audit notice, Mr. Noyes response, the notice of the hearing, and Mr. Noyes correspondence as Board's Exhibit #1. Mr. Noyes confirmed he had the right to representation and was present without representation. Mr. Noyes testified that he believed he was exempt from the continuing education requirement as a resident of Maryland, and spoke to Mr. Early regarding the confusion of having licenses in two states and keeping the continuing education requirements clear for both states. Mr. Noyes submitted copies of continuing education documents that were previously submitted.

Mr. McDonough left the meeting for an extended period of time. The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion that after further review of the documentation submitted by Mr. Noyes that Mr. Noyes was in compliance with the rules and regulations for continuing education required for license renewal. No second was noted. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Ms. Chvostal to adjourn the hearing at 12:53 p.m.

**The proceedings recessed until 1:10 p.m.**

#### **HEARING – Jonathan Russell**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 1:00 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Jonathan Russell

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 1:14 p.m.

The court reporter took verbatim testimony. Mr. Russell was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing and the audit notice, Mr. Russell's response, the hearing notice, and correspondence received from Mr. Russell. Mr. Russell confirmed he understood he had the right to representation and was present without representation. Mr. Russell provided additional documentation for courses taken within the renewal period. The Board reviewed the additional documents. Mr. Szymanski confirmed the additional documents provided were not previously submitted for Board

review. Mr. Szymanski apologized that Mr. Russell was not sufficiently advised of the deficiency in his audit document submission.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. McBride to find Mr. Russell in compliance with the rules and regulations for continuing education requirements for licensure renewal. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Sellers made a motion to adjourn the hearing at 1:27 p.m.

### **HEARING – Nicholas Remy**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 1:15 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Nicholas Remy

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 1:30 p.m.

The court reporter took verbatim testimony. Mr. Schranck reviewed the purpose of the hearing and documents provided by Mr. Remy. Mr. Schranck reviewed an additional packet provided by Mr. Remy and entered the packet as Respondent's Exhibit 1. Mr. Schranck read Mr. Remy's letter into the record. Mr. Schranck noted for the record that Mr. Remy lived in Allentown, Pennsylvania. Mr. Szymanski reviewed the medical conditions outlined in Mr. Remy's letter.

The Board went off the record to deliberate.

Adjournment – Mr. McBride made a motion to adjourn

**FINAL ORDER:** Mr. Szczuka made a motion to find Mr. Remy in noncompliance of Section 10.2, that Mr. Remy be fined \$250.00, and issued a letter of reprimand. Mr. Szymanski seconded the motion. After further discussion, Mr. Szymanski encouraged Mr. Szczuka to amend the motion. Mr. Szczuka amended the original motion to include Mr. Remy must make up the two PDH deficiency by June 2011 and also meet the requirement for the 2011 renewal, seconded by Mr. McBride. After further discussion, the motion was unanimously approved.

**TIME ADJOURNED:** Mr. McBride made a motion to adjourn the hearing at 1:49 p.m. No second was noted. The motion was unanimously approved.

### **HEARING – Michael Given**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 1:30 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Michael Given

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 1:49 p.m.

The court reporter took verbatim testimony. Mr. Schranck reviewed the documents and purpose of the hearing. Mr. Given requested clarification as to the actual deficiency of his audit compliance submission. Mr. Schranck clarified the deficiency and reviewed the documents provided prior to the hearing. Mr. Given questioned why the course "Due Diligence for Professional Land Surveyors" was not considered to meet the ethics requirement.



The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szczuka made a motion to find the respondent in violation of Section 10.2, fine \$250.00, and issue a letter of reprimand and require Mr. Given make up 2 PDHs in ethics in addition to completing the required 2 PDHs of ethics for the 2011 renewal. No second was noted. The motion was carried by a majority of the Board voting yes, with Mr. McDonough voting no, and Mr. Szymanski abstaining.

**TIME ADJOURNED:** Mr. McBride made a motion, seconded by Ms. Chvostal to adjourn the hearing at 2:24 p.m. The motion was unanimously approved.

#### **HEARING – William Anderson**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 1:45 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** William Anderson

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 2:25 p.m.

The court reporter took verbatim testimony. Mr. Anderson was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing. Mr. Szczuka identified one certificate did not qualify for the 2007-2009 renewal. Mr. Schranck clarified the deficiency was 4 PDHs used as carry over for the Maryland renewal.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. McBride to find Mr. Anderson in violation of Section 10.1 having only 20 of the 24 required PDHs, impose a penalty of a letter of reprimand, a fine of \$250.00 and require Mr. Anderson to make up the 4 PDHs prior to June 30, 2010 and obtain the full 24 PDHs for the 2011 renewal period. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. Szymanski made a motion to adjourn the hearing at 2:35 p.m. No second was noted. The motion was unanimously approved.

### **HEARING – Peter Bloodgood**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 2:30 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Peter Bloodgood

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 2:36 p.m.

The court reporter took verbatim testimony. Mr. Schranck reviewed the purpose of the hearing. Mr. Bloodgood confirmed he understood he had the right to representation and was present without representation. Mr. Bloodgood testified he attended the Delaware Conference since the July 1, 2009 deadline. Mr. Schranck asked Mr. Bloodgood how many PDHs were submitted for the 2009 renewal. Mr. Bloodgood verified the courses submitted. Mr. Schranck verified 14 PDHs were submitted that were taken in the 2007-2009 renewal period. Mr. Bloodgood apologized to the Board for missing the rule change and in good faith would try to get caught up and attended the November conference.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion that Mr. Bloodgood was in violation of Section 10.1, that Mr. Bloodgood be issued a letter of reprimand, be fined \$250.00 and be required to obtain 10 PDHs for the 2007-2009 renewal period. Mr. Szczuka amended the motion to require the PDHs be obtained prior to July 1, 2010. The motion as amended was seconded by Mr. McBride. The motion carried with a majority of the Board voting yes, and Mr. Szczuka voting no.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Mr. McBride to adjourn the hearing at 2:56 p.m.

### **HEARING – Theodore Simpler**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 2:45 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Theodore Simpler

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 2:56 p.m.

The court reporter took verbatim testimony. Mr. Simpler was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing and confirmed Mr. Simpler was aware he had the right to representation and was present without representation. Mr. Schranck confirmed Mr. Simpler was over 62 years of age. Mr. Schranck also confirmed Mr. Simpler was retired and based on the documents presented, was deficient 4 PDHs. Mr. Simpler testified he was not aware he did not have the required PDHs.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. McBride that Mr. Simpler was in violation of Section 10.12 as Mr. Simpler did not have the required continuing education and the minimum penalty be imposed of a letter of reprimand, \$250.00 fine, and that Mr. Simpler be required to obtain the deficit of 4 PDHs prior to July 1, 2010 and also be required to have the mandatory 12 PDHs for the 2011 renewal. The motion was carried by a majority of the Board voting yes, and Mr. Szczuka abstaining.

**TIME ADJOURNED:** Mr. Szymanski made a motion, seconded by Mr. McBride to adjourn the hearing at 3:06 p.m.

### **HEARING – Timothy Summerall**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 3:00 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Debbie Heinsch, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Timothy Summerall

**COUNSEL FOR THE RESPONDENT:** Mr. Grady

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 3:07 p.m.

The court reporter took verbatim testimony. Mr. Schranck greeted Mr. Summerall and Mr. Grady. Mr. Schranck reviewed the purpose of the hearing and confirmed Mr. Grady was present to represent Mr. Summerall. Mr. Grady represented that Mr. Summerall made an honest error and since the renewal deadline had made up the ethics credits. Mr. Grady represented that Mr. Summerall was embarrassed and would like to explain the circumstances. Mr. Summerall was sworn in by the court reporter. Mr. Summerall confirmed that he completed a 4 hour ethics course at the Maryland Fall conference. Mr. Szczuka addressed Mr. Summerall.

The Board went off the record to deliberate.

**FINAL ORDER:** The Board allowed Mr. Summerall to address them during deliberations. Mr. Szymanski made a motion, seconded by Ms. Chvostal that Mr. Summerall was in violation of Section 10.2, and that the Board impose the minimum penalty of a \$250.00 fine and a letter of reprimand and require Mr. Summerall to obtain 2 PDHs of ethics and an additional 2 PDHs for the 2011 renewal. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. McBride made a motion, seconded by Mr. Szymanski to adjourn the hearing at 3:19 p.m.

Mr. Sellers recessed the hearings at 3:20 p.m. until 3:25 p.m.

### **HEARING – Timothy Cawood**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 3:15 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Timothy Cawood

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 3:29 p.m.

The court reporter took verbatim testimony. Mr. Cawood was sworn in by the court reporter. Mr. Schranck reviewed the purpose of the hearing, confirmed Mr. Cawood was aware of his right to representation and was present without representation. Mr. Cawood requested the Board consider his participation and work with C.O.P.S. and presentations he performed be considered to meet the requirements for Delaware.

The Board went off the record to deliberate. Mr. Sellers recognized Mr. Cawood to respond to questions from the Board.

**FINAL ORDER:** Mr. Szymanski made a motion, seconded by Mr. McBride that Mr. Cawood meets the requirements for continuing education for the licensure renewal. The motion carried by a majority vote of yes, with Mr. Szczuka voting no.

**TIME ADJOURNED:** 3:51 p.m.

### **HEARING – Richard Schulz**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 3:30 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Richard Schulz (not present)

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 3:51 p.m.

The court reporter took verbatim testimony. Mr. Schranck read into the record the letter Mr. Schulz sent in support of his case. Mr. Schulz requested the Board give him an extension to complete the 24 PDHs. Mr Schranck confirmed the certificates provided from February 2007 did not apply as there was no carry over of PDHs. Mr. Schranck read into the record the certificates provided. Ms. Holt provided the original licensure date of November 9, 1994. Mr. Szymanski stated Mr. Schulz was deficient in the amount of 20 PDHs.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion that Mr. Schulz was in violation of Section 10.1 and 10.2, and that the Board impose a penalty to entail suspension of license, a letter of reprimand, and \$500.00 fine and that Mr. Schulz be required to make up the 20 PDHs short by July 1, 2010 and fulfill the regular 24 PDH requirement for the 2011 renewal period. Mr. McBride seconded the motion. Mr. Szczuka requested counsel on the option for the suspension period. Mr. Schranck advised Mr. Szczuka on options for wording for the motion regarding the suspension. The motion carried with Mr. McDonough voting no. Ms. Chvostal made a motion to amend the motion to clarify the fine was for \$250.00 for each violation (Section 10.1 and 10.2.) Mr. Szczuka seconded the motion. The motion carried with Mr. McDonough voting no. It was clarified that if Mr. Schulz was not in compliance by July 2, 2010, Mr. Schulz would be notified for a follow up hearing for revocation. Mr. Szczuka made a motion to accept the motion as amended, seconded by Ms. Chvostal. The motion was carried with Mr. McDonough voting no.

Mr. Mangler and Ms. Warren entered the hearing at 4:07 p.m.

**TIME ADJOURNED:** Mr. McBride made a motion, seconded by Mr. Szymanski to adjourn the hearing at 4:12 p.m.

Mr. Sellers recessed the meeting at 4:13 p.m.

The hearing resumed at 4:16 p.m.

Mr. Mangler and Ms. Warren left the hearing at 4:16 p.m.

#### **HEARING – Heath Dumak**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 3:45 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** Heath Dumak (not present)

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 4:16 p.m.

The court reporter took verbatim testimony. Mr. Schranck read into the record the documents submitted by Mr. Dumack.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. Szymanski made a motion that Mr. Dumack was in violation of Section 10.1 and 10.2 and Mr. Dumack had only provided proof of 1 PDH for the renewal period. Mr. Dumack was to be issued a letter of reprimand, fined \$250.00 for the violation of Section 10.1 and \$250.00 for the violation of Section 10.2, and a suspension until July 1, 2010 and Mr. Dumack be required to make up the 24 PDHs for the 2007-2009 including 2 PDHs for ethics and 24 PDHs for the 2009-2011 renewal period for which 24 make up PDHs would not apply to the 2011 renewal. Mr. McBride seconded the motion. The motion was unanimously approved.

**TIME ADJOURNED:** Mr. McBride made a motion, seconded by Mr. McDonough to adjourn the hearing at 4:28 p.m.

#### **HEARING – William Wichess**

The Delaware Board of Professional Land Surveyors scheduled a hearing on December 7, 2009 at 2:00 p.m. in the Cannon Building second floor Conference Room A, 861 Silver Lake Boulevard, Dover, Delaware.

**PRESENT:** Stephen Sellers, Michael Szymanski, Laurence McBride, Joseph McDonough, Mary Chvostal, Frank Szczuka

**RECUSED:** None

**EXCUSED:** James Bielicki

**PURPOSE:** Rule to Show Cause for Renewal Audit secondary to 24 Del.C.1922 (a)(2).

**PRESIDING:** Stephen Sellers, PLS, Chairman

**BOARD STAFF:** Renee' Holt, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Frederick Schranck, D.A.G.

**DEPUTY ATTORNEY GENERAL FOR THE STATE:** None

**RESPONDENT:** William Wichess (not present)

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None



**COURT REPORTER PRESENT** –Julia LaBadia, Wilcox & Fetzer Ltd. Transcripts are available from the named court reporter.

**TIME STARTED:** 4:28 p.m. (At 2:33 p.m. the hearing was tabled to the end of the hearings.)

The court reporter took verbatim testimony. Mr. Schranck reviewed the purpose of the hearing, and letters sent to Mr. Wichess. Mr. Schranck reported Mr. Wichess sent in correspondence addressing health issues and requesting an extension to obtain the required continuing education if the courses were offered in Delaware. Mr. Wichess reported he had 16 of the required 24 PDHs. Mr. Wichess reported he did not have the required 2 PDHs of ethics. Mr. Schranck reported from Mr. Wichess's correspondence that Mr. Wichess originally believed he had 32-33 PDHs but that total included carry over continuing education hours.

The Board went off the record to deliberate.

**FINAL ORDER:** Mr. McBride made a motion, seconded by Ms. Chvostal to table the hearing until the January Board meeting, and request Mr. Wichess appear for a hearing at that time if he was available. The motion was carried by a majority vote of yes, with Mr. Szymanski abstaining.

**TIME ADJOURNED:** Mr. Szczuka made a motion, seconded by Mr. McDonough to adjourn the hearing at 4:53 p.m.

**FINAL ADJOURNMENT**

There being no further business before the Board, Mr. McBride made a motion, seconded by Ms. Chvostal to adjourn the meeting at 4:54 p.m.

Respectfully Submitted,



Renee' M. Holt  
Administrative Specialist II